

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 657X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN PHILADELPHIA COUNTY, PA

Decided: September 25, 2006

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 0.26-mile line of railroad on its Northern Region, Baltimore Division (South Jersey CSAO), Delaware Extension, from milepost 6.27 to the end of track at milepost 6.53, known as Pier 124 Track in Philadelphia, Philadelphia County, PA.¹ Notice of the exemption was served and published in the Federal Register on August 25, 2006 (71 FR 50501). The exemption is scheduled to become effective on September 26, 2006.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on September 1, 2006. In the EA, SEA notes that the Pennsylvania Coastal Zone Management Program (PACZMP) had not responded to CSXT's environmental report at the time the EA was prepared. However, the PACZMP website indicates that the line is located within the state's designated coastal zone and that rail line abandonment projects are subject to Federal Consistency reviews under the Federal Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*) (CZMA). Therefore, SEA recommends that, prior to beginning any salvage activities, CSXT be required to consult with the PACZMP to determine whether state coastal management consistency certification is required. If consistency certification is required, the railroad shall be prohibited from performing any salvage activities until it obtains consistency certification and shall then notify SEA, pursuant to the CZMA and the Board's environmental regulations at 49 CFR 1105.9 (Condition 1). SEA also notes that CSXT stated that it is not aware of hazardous waste sites or sites where there have been hazardous material spills. However, a CSXT Notice of Intent to Remediate was published in the Pennsylvania Bulletin on June 4, 2005, for Pier 124 soils contaminated with polyaromatic hydrocarbons and inorganics. Therefore, SEA recommends that, prior to the commencement of any salvage activities, CSXT be required to consult with the Pennsylvania Department of Environmental Protection (PADEP) regarding the status of CSXT's efforts at Pier 124 to remediate soils contaminated with polyaromatic hydrocarbons and inorganics (Condition 2). SEA further states that the City of Philadelphia's Planning Commission noted that Pier 124 and the line are located within the 100-year floodplain. Therefore, SEA recommends that, prior to the commencement of any salvage activities regarding potential impacts to the floodplain, CSXT be required to consult with the

¹ The line is located at Pier 124 on the Delaware River.

floodplain administrator for the City of Philadelphia and comply with any reasonable requirements (Condition 3).

Comments to the EA were due by September 15, 2006. In response to the EA, the PACZMP provided documentation that it had previously determined that the proposed abandonment is located within a Coastal Zone subject to Federal consistency review. The determination also noted that the proposed abandonment would be consistent with the PACZMP. Accordingly, SEA now recommends that its previous recommendation that CSXT consult with the PACZMP be omitted. No other comments were received by the due date. Accordingly, Conditions 2 and 3 recommended by SEA in the EA will be imposed.

As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that CSXT shall: (1) consult with the PADEP regarding the status of the CSXT's efforts at Pier 124 to remediate soils contaminated with polyaromatic hydrocarbons and inorganics, prior to the commencement of any salvage activities; and (2) consult with the floodplain administrator for the City of Philadelphia and comply with any reasonable requirements, prior to the commencement of any salvage activities regarding potential impacts to the floodplain.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary